

**ORDINANCE O-19-01**

**AN ORDINANCE AMENDING ZONING CODE ARTICLE 5 TO ALLOW COCKTAIL LOUNGES AND TAVERNS IN DISTRICTS ZONED AS COMMERCIAL MIXED USE 2 (CM-2)**

**WHEREAS**, the City's Zoning Code currently allows cocktail lounges and taverns (bars) in districts zoned Commercial 3 and 4 (C-3 and C-4), yet most of the bars in Bisbee's Historic District are zoned Commercial Mixed Use 2 (CM-2); and

**WHEREAS**, all of the property zoned CM-2 is in the commercial/business areas of the Old Bisbee Historic District, as set forth on the map attached hereto as Exhibit A, which closely corresponds to the City's Entertainment District established by the City; and

**WHEREAS**, it is in the best interests of the City of Bisbee to conform the Zoning Code to the actual uses of property by amending the Code to allow cocktail lounges and taverns (bars) in property zoned CM-2, as set forth in Exhibit B.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:**

**Section 1.** The amendment to Article 5.2.4 of the Zoning Code, by adding cocktail lounges and taverns in zoning district CM-2, as set forth in the attached Exhibit A, incorporated herein by reference, is hereby adopted.


**Section 2.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee on this 19<sup>th</sup> day of February, 2019.


**APPROVED:**

  
\_\_\_\_\_  
David Smith, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Ashlee Coronado, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Britt Hanson, City Attorney



## EXHIBIT B

### 5.2.4 CM Zone (Commercial Mixed Use)

Allowed CM zone uses:

**Division1.** Any C, Division 1 use. Residential uses allowed.

**Division2.** Any C, Division 2 use, and cocktail lounges and taverns. Residential uses allowed.